

Environmental Protection Agency

§ 80.1151

(d) Registration shall be on forms, and following policies, established by the Administrator.

[72 FR 24000, May 1, 2007]

§ 80.1151 What are the recordkeeping requirements under the RFS program?

(a) Beginning September 1, 2007, any obligated party (as described at § 80.1106) or exporter of renewable fuel (as described at § 80.1130) must keep all of the following records:

(1) Product transfer documents consistent with § 80.1153 and associated with the obligated party's activity, if any, as transferor or transferee of renewable fuel.

(2) Copies of all reports submitted to EPA under § 80.1152(a).

(3) Records related to each RIN transaction, which includes all the following:

(i) A list of the RINs owned, purchased, sold, retired or expired.

(ii) The parties involved in each RIN transaction including the transferor, transferee, and any broker or agent.

(iii) The date of the transfer of the RIN(s).

(iv) Additional information related to details of the transaction and its terms.

(4) Records related to the use of RINs (by facility, if applicable) for compliance, which includes all the following:

(i) Methods and variables used to calculate the Renewable Volume Obligation pursuant to § 80.1107 or § 80.1130.

(ii) List of RINs used to demonstrate compliance.

(iii) Additional information related to details of RIN use for compliance.

(b) Beginning September 1, 2007, any producer or importer of a renewable fuel as defined at § 80.1101(d) must keep all of the following records:

(1) Product transfer documents consistent with § 80.1153 and associated with the renewable fuel producer's or importer's activity, if any, as transferor or transferee of renewable fuel.

(2) Copies of all reports submitted to EPA under § 80.1152(b).

(3) Records related to the generation and assignment of RINs for each facility, including all of the following:

(i) Batch volume in gallons.

(ii) Batch number.

(iii) RIN number as assigned under § 80.1126.

(iv) Identification of batches meeting the definition of cellulosic biomass ethanol.

(v) Date of production or import.

(vi) Results of any laboratory analysis of batch chemical composition or physical properties.

(vii) Additional information related to details of RIN generation.

(4) Records related to each RIN transaction, including all of the following:

(i) A list of the RINs owned, purchased, sold, retired or expired.

(ii) The parties involved in each transaction including the transferor, transferee, and any broker or agent.

(iii) The date of the transfer of the RIN(s).

(iv) Additional information related to details of the transaction and its terms.

(5) Records related to the production or importation of any volume of renewable fuel that the renewable fuel producer or importer designates as motor vehicle fuel and the use of the fuel as motor vehicle fuel.

(c) Beginning September 1, 2007, any producer of a renewable fuel defined at § 80.1101(d) must keep verifiable records of the following:

(1) The amount and type of fossil fuel and waste material-derived fuel used in producing on-site thermal energy dedicated to the production of ethanol at plants producing cellulosic biomass ethanol through the displacement of 90 percent or more of the fossil fuel normally used in the production of ethanol, as described at § 80.1101(a)(2).

(2) The amount and type of feedstocks used in producing cellulosic biomass ethanol as defined in § 80.1101(a)(1).

(3) The equivalent amount of fossil fuel (based on reasonable estimates) associated with the use of off-site generated waste heat that is used in the production of ethanol at plants producing cellulosic biomass ethanol through the displacement of 90 percent or more of the fossil fuel normally used in the production of ethanol, as described at § 80.1101(a)(2).

(4) The plot plan and process flow diagram for plants producing cellulosic

biomass and waste derived ethanol as defined in § 80.1101(a) and (b), respectively.

(5) The independent third party verification required under § 80.1155 for producers of cellulosic biomass ethanol and waste derived ethanol.

(d) Beginning September 1, 2007, any party, other than those parties covered in paragraphs (a) and (b) of this section, that owns RINs must keep all of the following records:

(1) Product transfer documents consistent with § 80.1153 and associated with the party's activity, if any, as transferor or transferee of renewable fuel.

(2) Copies of all reports submitted to EPA under § 80.1152(c).

(3) Records related to each RIN transaction, including all of the following:

(i) A list of the RINs owned, purchased, sold, retired or expired.

(ii) The parties involved in each RIN transaction including the transferor, transferee, and any broker or agent.

(iii) The date of the transfer of the RIN(s).

(iv) Additional information related to details of the transaction and its terms.

(e) The records required under this section and under § 80.1153 shall be kept for five years from the date they were created, except that records related to transactions involving RINs shall be kept for five years from the date of transfer.

(f) On request by EPA, the records required under this section and under § 80.1153 must be made available to the Administrator or the Administrator's authorized representative. For records that are electronically generated or maintained, the equipment or software necessary to read the records shall be made available; or, if requested by EPA, electronic records shall be converted to paper documents.

[72 FR 24000, May 1, 2007]

§ 80.1152 What are the reporting requirements under the RFS program?

(a) Any obligated party described in § 80.1106 or exporter of renewable fuel described in § 80.1130 must submit to EPA reports according to the schedule,

and containing the information, that is set forth in this paragraph (a).

(1) An annual compliance demonstration report for the previous compliance period shall be submitted every February 28, except as noted in paragraph (a)(1)(x) of this section, and shall include all of the following information:

(i) The obligated party's name.

(ii) The EPA company registration number.

(iii) Whether the party is complying on a corporate (aggregate) or facility-by-facility basis.

(iv) The EPA facility registration number, if complying on a facility-by-facility basis.

(v) The production volume of all of the products listed in § 80.1107(c) for the reporting year.

(vi) The renewable volume obligation (RVO), as defined in § 80.1127(a) for obligated parties and § 80.1130(b) for exporters of renewable fuel, for the reporting year.

(vii) Any deficit RVO carried over from the previous year.

(viii) The total current-year gallon-RINs used for compliance.

(ix) The total prior-years gallon-RINs used for compliance.

(x) A list of all RINs used for compliance in the reporting year. For compliance demonstrations covering calendar year 2007 only, this list shall be reported by May 31, 2008. In all subsequent years, this list shall be submitted by February 28.

(xi) Any deficit RVO carried into the subsequent year.

(xii) Any additional information that the Administrator may require.

(2) The quarterly RIN transaction reports required under paragraph (c)(1) of this section.

(3) The quarterly gallon-RIN activity reports required under paragraph (c)(2) of this section.

(4) Reports required under this paragraph (a) must be signed and certified as meeting all the applicable requirements of this subpart by the owner or a responsible corporate officer of the obligated party.

(b) Any producer or importer of a renewable fuel must, beginning November 30, 2007, submit to EPA reports according to the schedule, and containing